

**IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
TENNESSEE AT GREENEVILLE**

**ROBERTA SANSONE,**

**Plaintiff,**

**v.**

**No.: 2:16-cv-00332**

**STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,**

**Defendant.**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1332, State Farm Mutual Automobile Insurance Company (hereinafter referred to as “Defendant”), by and through their undersigned counsel, hereby remove this action from the Circuit Court of Cocke County, Tennessee, to the United States District Court for the Eastern District of Tennessee, Greeneville Division. Removal is based on diversity of citizenship jurisdiction because it appears on the face of the initial pleading filed by Plaintiff Roberta Sansone (hereinafter “Plaintiff”) that Plaintiff and Defendant are citizens or domiciled in different states and the amount in controversy is greater than \$75,000.00. In support of its notice, Defendant states as follows:

**I. Background**

1. This case was originally filed by Plaintiff in the Circuit Court of Cocke County, Tennessee, on September 12, 2016, relating to the injuries and death of Joseph Sansone (hereinafter referred to as “Decedent”), which occurred in Cocke County, Tennessee. In accordance with 28 U.S.C. § 1446(a), a copy of all process and pleadings received by Defendant are attached as **Exhibit A**.

2. In the Complaint, Plaintiff alleges that on September 11, 2015, Decedent was killed in an accident in Cocke County, Tennessee. Plaintiff claims she is entitled to the proceeds of an insurance policy issued by Defendant. Plaintiff's Complaint states that she is a citizen of Indiana and that Defendant is domiciled in Ohio. The Complaint demands damages in an amount of \$300,000.00 or more. The amount in controversy exceeds \$75,000.00. Thus, jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1332.

## **II. Notice of Removal to the Circuit Court of Cocke County, Tennessee**

3. Concurrently with this Notice of Removal, Defendants will file a copy of this Notice with the Cocke County Circuit Court, Tennessee. In accordance with 28 U.S.C. § 1446(d), Defendants will give written notice to Plaintiff by contemporaneously serving this Notice of Removal on her counsel.

4. If any question arises as to the propriety of the removal of this action, Defendant respectfully requests the opportunity to present a brief in support of its position that this case is removable. See Sierminski v. Transouth Fin. Corp., 216 F.3d 945, 949 (11th Cir. 2000) (announcing general rule that post-removal evidence in assessing removal jurisdiction may be considered by the Court).

5. Defendant has filed this Notice of Removal within 30 days of receiving the Complaint and Summons filed in the aforementioned Cocke County Circuit Court case.

6. Venue is proper in this Court because this Court is the federal judicial district which embraces the Circuit Court of Cocke County, Tennessee where the State Court Action was initially filed.

### **III. Conclusion**

7. By the filing of this Notice of Removal, Defendant does not waive any objections it may have to service, jurisdiction, venue or any other objections or defenses it may have in this action. Defendant intends no admission of fact, law, or liability by this Notice of Removal and expressly reserves all defenses, motions, or pleas.

8. For the foregoing reasons, Defendant respectfully requests that this civil action be, and is hereby, removed to the United State District Court for the Eastern District of Tennessee, Greeneville Division, that this Court assume jurisdiction of this civil action, and that this Court enter such other and further orders as may be necessary to accomplish the requested removal and promote the ends of justice.

Respectfully submitted, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY: s/ S. Douglas Drinnon  
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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was forwarded to Roger Smith, 327 East Main Street, Newport, TN 37821, by U.S. Mail, postage prepaid, fax, and/ or other electronic means, this the 27th day of October, 2016.

s/ S. Douglas Drinnon